

# GERMANY 2022 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Germany is a constitutional democracy. Citizens choose their representatives periodically in free and fair multiparty elections. The lower chamber of the federal parliament (Bundestag) elects the chancellor as head of the federal government. The second legislative chamber, the Federal Council (Bundesrat), represents the 16 states at the federal level and is composed of members of the state governments. The country's 16 states exercise considerable autonomy, including concerning law enforcement and education. The elections for the Bundestag in 2021 were considered free and fair.

Responsibility for internal and border security is shared by the police forces of the 16 states, the Federal Criminal Police Office, and the federal police. The states' police forces report to their respective interior ministries; the federal police forces report to the Federal Ministry of the Interior. The Federal Office for the Protection of the Constitution and the state offices for the protection of the constitution are responsible for gathering intelligence on threats to domestic order and other security functions. The Federal Office for the Protection of the Constitution reports to the Federal Ministry of the Interior, and the state offices for the same function report to their respective ministries of the interior. Civilian authorities maintained effective control over security forces. There were credible reports that members of the security forces committed few abuses.

Significant human rights issues included credible reports of: crimes involving violence motivated by antisemitism, crimes involving violence targeting members of ethnic or religious minority groups motivated by anti-Muslim hatred, xenophobia, or other forms of right-wing extremism, and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government took steps to investigate, prosecute, and punish officials in the security services and elsewhere in government that committed human rights abuses or engaged in corruption.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

On August 25, the Federal Court of Justice upheld the conviction and life sentence of neo-Nazi Stephan Ernst, who was sentenced to life in prison in January 2021 for the 2019 murder of local Hesse politician Walter Luebcke. The crime was widely viewed as a politically motivated killing of a known prorefugee state official, and prosecutors believe Ernst committed the crime due to ethnonationalist and racist motivations. A Hesse state parliament investigation into the failure of the state's domestic security service to identify Stephan Ernst as a danger to society continued.

Frankfurt prosecutors continued to investigate multiple persons for having threatened Luebcke on the internet after his 2015 prorefugee remarks. They passed several of the remaining investigations to prosecutors across the country, depending on the residence of the accused.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The constitution and the law prohibit such practices. In contrast with 2021, there were no reports that government officials employed them. According to some human rights groups, authorities did not effectively investigate allegations of mistreatment by police and failed to establish an independent mechanism to investigate such allegations.

Impunity was not a significant problem in the security forces.

## **Prison and Detention Center Conditions**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

**Abusive Physical Conditions:** There were no major concerns in prisons and detention centers regarding physical conditions or inmate abuse.

Nevertheless, in September the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment expressed serious concern regarding the psychiatric care of prisoners in two prisons. It recommended that the states of Bavaria, Lower Saxony, North Rhine-Westphalia, and Schleswig-Holstein review their arrangements for the treatment of prisoners with serious mental disorders.

**Administration:** Authorities conducted proper investigations of credible allegations of mistreatment.

**Independent Monitoring:** The government permitted monitoring by independent nongovernmental observers.

## **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

Several states expanded police powers in the past decade to include preventive action against an "impending danger." Critics argued that this provision expanded police surveillance power, which had been reserved for the country's intelligence services. As of October a case challenging the law in Bavaria was pending at the Federal Constitutional Court, as was a separate case at the Saxony Constitutional Court regarding that state's law.

While several states required police to wear identity badges, the nongovernmental organization (NGO) Amnesty International Germany criticized the lack of a nationwide requirement to do so, noting that six of the country's 16 states had no such requirement.

## **Arrest Procedures and Treatment of Detainees**

Authorities must have a warrant issued by a judicial authority to arrest an individual. Police may also arrest individuals they apprehend in the act of committing a crime, or if they have strong reason to suspect the individual intends to commit a crime. The constitution requires authorities to present a suspect before a judicial officer before the end of the day following the arrest. The judge must inform the suspect of the reasons for his or her detention and provide the suspect with an opportunity to object. The court must then either issue an arrest warrant stating the grounds for continued detention or order the individual's release. Authorities generally respected these rights.

Judges usually released individuals awaiting trial without requiring bail. Bail is only required in cases where a court determines the suspect poses a flight risk. In such cases authorities may deny bail and hold detainees for the duration of the investigation and subsequent trial, subject to judicial review.

Detainees have the right to consult with an attorney of their choice; the government provides an attorney at public expense if detainees demonstrate financial need. The law entitles a detainee to request access to a lawyer at any time, including prior to any police questioning. Authorities must inform suspects of their right to consult an attorney before questioning begins.

On May 2, a man died following an incident involving Mannheim police. According to news reports, the man's physician called police from his office and said the man was distraught and posed a threat. When police arrived, he resisted their effort to subdue him. Police forcefully subdued him and took him to a hospital where he collapsed and later died. The Mannheim police department suspended two police officers after the incident. Media reported a medical expert commissioned by the Mannheim prosecutor's office determined the man had died "an unnatural death due to the police operation" due to possible police use of excessive force. As of August the prosecutor's office was investigating of the matter.

On August 8, police in Dortmund shot and killed a Senegalese boy, age 16, wielding a knife at a youth shelter. Media reports stated a shelter staff member called police, fearing the boy, an unaccompanied refugee child who had asked to be transferred to the shelter because of emotional difficulties, would commit suicide. After unsuccessfully attempting to communicate with the boy, the 11

police officers at the scene used tear gas and tasered him before fatally shooting him four times. One police officer was suspended from service and disciplinary measures were pending against four others. The officer's body cameras were turned off throughout the encounter. As of September police from the city of Recklinghausen were conducting a criminal investigation into the killing at the request of the Dortmund prosecutor's office.

**Pretrial Detention:** The NGO World Prison Brief reported that as of December 2021, persons held in pretrial detention accounted for 20.4 percent of all prison inmates in the country. In 2019, the latest year data were available, the Federal Ministry of Justice reported the median stay in pretrial detention was four to six months. The courts credit time spent in pretrial custody toward the sentences of those convicted. If a court acquits an incarcerated defendant, the government must compensate the defendant for financial losses as well as for "moral prejudice" due to his or her incarceration.

## **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

### **Trial Procedures**

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Defendants enjoy a presumption of innocence and have the right to be informed promptly and in detail of the charges against them. The trial shall be fair, public, and held without undue delay. The law requires defendants be present at their trials. Defendants have the right to consult with an attorney of their choice, and the government provides an attorney at public expense if defendants demonstrate financial need. Defendants and their attorneys have the right to adequate time and facilities to prepare a defense. The government provides an interpreter to any defendant who cannot understand or speak German and does so free of charge if the defendant demonstrates financial need or is acquitted. Defendants have access to all court-held evidence relevant to their cases. Defendants may question the prosecution's witnesses and may introduce their own witnesses and evidence in support of their case. Defendants may not be compelled to testify or confess guilt. Defendants have the right to appeal.

The law does not allow courts to punish a person twice for the same crime. A court may, however, order an offender convicted of rape, homicide, or manslaughter to spend additional time in “subsequent preventive detention” after completing a sentence. The court may only order preventive detention if it determines that the offender suffers from a mental disorder that increases the likelihood of a repeated crime, or otherwise represents a continuing danger to the public. The law permits the imposition of such detention for an indefinite period, subject to periodic review.

Because the law does not regard such detention as punishment, authorities are legally required to keep those in preventive detention in separate buildings or in special prison sections with better conditions than those of the general prisons. Authorities must also provide detainees with a range of social and psychological therapy programs. According to the Federal Statistics Office, 596 offenders were held in preventive detention at the end of March 2021, the most recent data available.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Citizens may file complaints regarding abuses of their human rights with committees and commissioners for citizens’ affairs. Citizens usually referred to these points of contact as “ombudsmen.” Additionally, an independent and impartial judiciary in civil matters provides court access for lawsuits seeking damages for, or cessation of, a human rights abuse. Persons who exhaust domestic legal remedies may appeal cases involving alleged government violations of the European Convention on Human Rights to the European Court of Human Rights.

### **Property Seizure and Restitution**

The government has laws and mechanisms in place for, and NGOs and advocacy groups reported it made significant progress on, resolution of Holocaust-era claims, including for foreign citizens. According to the Federal Ministry of Finance, from the end of World War II through 2021, the government paid approximately 80.5 billion euros (\$86 billion) in Holocaust restitution and compensation, which included by 2021 an additional 1.23 billion

euros (\$1.32 billion) in payments from the “Hardship Fund,” mostly to poorer Holocaust survivors severely affected by the COVID-19 pandemic. The country has also supported numerous public and private international reparation and social welfare initiatives to benefit Holocaust survivors and their families.

After World War II, the government adopted legislation to resolve compensation claims stemming from Nazi atrocities and Holocaust-era property confiscation. In 1952 the government designated the Conference on Jewish Material Claims against Germany (also known as the Claims Conference) as its principal partner in handling restitution and compensation claims made by Jewish victims of Nazi persecution.

Before German reunification in 1990, in accordance with the Federal Restitution Law, West German authorities provided property restitution and compensation payments for properties and businesses that were confiscated or transferred during the Holocaust era. The Claims Conference assumed ownership of, and auctioned off, heirless properties, using the proceeds to fund the organization’s efforts to support Holocaust survivors and fund Holocaust education. For confiscated Jewish property located in what was formerly East Germany, the Claims Conference filed additional claims under a law enacted after reunification. Since 1990, authorities have approved and granted restitution in 4,500 cases and provided compensation in approximately 12,000 cases. There were approximately 5,000 cases involving fixed assets remaining to be processed at the Federal Office for Central Services and Unsettled Property Issues, including land, real estate, and company shares.

Regular negotiations between the Claims Conference and the country’s federal government expanded existing programs and introduced additional ones. In accordance with an agreement reached in 2020, the government provided Hardship Fund payments of 1,200 euros (\$1,284) to eligible Jewish victims during the year. In September the government agreed to extend these hardship payments an additional year and to make emergency humanitarian payments of 12 million euros (\$13 million) to 8,500 Ukrainian Holocaust survivors, with payments beginning during the year. It also agreed to provide an additional 10 million euros (\$11 million) for Holocaust education during the year and further funding in 2023.

The federally funded German Lost Art Foundation (DZK) maintained an online “Lost Art” database to promote provenance research and helped victims and

their heirs to find the right institutions and contacts. The database documented objects suspected or proven to be confiscated by the Nazis. In May the DZK announced it would provide 3.1 million euros (\$3.3 million) in funding for 24 research projects on cultural assets confiscated under Nazi rule. In January the city of Duesseldorf returned the 1913 Franz Marc painting “Foxes” to the heirs of Kurt Grawi, a Jewish businessman and art collector who sold the painting to finance his escape from Nazi Germany in 1939.

The Bavarian State Painting Collections, owned by the State of Bavaria, has not referred the case of the Pablo Picasso painting “Portrait of Madame Soler” to the national commission on looted art, contrary to usual practice when disputes concerning the provenance of artworks arise. The work was sold by Paul von Mendelssohn-Bartholdy in 1934 or 1935; his heirs first asked Bavaria in 2010 to refer the case to the commission, maintaining he sold the work under duress. In June 2021 the commission chair Hans-Juergen Papier dismissed the state’s assertion the claim was meritless, stating it was up to the commission to evaluate such cases.

The Department of State’s *Justice for Uncompensated Survivors Today (JUST) Act Report to Congress*, released in 2020, can be found on the Department’s website: <https://www.state.gov/reports/just-act-report-to-congress/>.

## **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, but there were assertions the government failed in some cases to respect these prohibitions.

The federal and state offices for the protection of the constitution (OPCs) continued to monitor political groups deemed to be potentially undermining the constitution. These include the Alternative for Germany (AfD) party and left-wing extremist groups inside the Left party, both of which have seats in the Bundestag, as well as the right-wing extremist National Democratic Party (NPD). Monitoring requires the approval of state or federal interior ministries and is subject to review by state or federal parliamentary intelligence committees.

All OPC activities may be contested in court, including the Federal Constitutional Court. Following a 2014 Federal Constitutional Court ruling, the



government stated the Federal Office for the Protection of the Constitution (FOPC) could no longer monitor Bundestag members.

On March 8, the Cologne Administrative Court reaffirmed FOPC authority to monitor the AfD as a suspected right-wing extremist organization, confirming the FOPC's January 2021 rejection of an AfD lawsuit to block that classification.

On March 11, the Magdeburg Administrative Court rejected an appeal by the Saxony-Anhalt AfD objecting to its classification by the state OPC as a suspected right-wing extremist organization. Throughout the year the state OPCs of Saxony-Anhalt, Saxony and Brandenburg monitored state AfD branches as suspected right-wing extremist organizations, while the Thuringian OPC monitored the AfD branch in that state as a "confirmed" right-wing extremist organization. On July 14 and September 6 respectively, the state OPCs in Baden-Wuerttemberg and Bavaria began monitoring AfD branches of the party on suspicion of being right-wing extremist organizations.

The Baden-Wuerttemberg OPC monitored *Querdenken 711* ("Lateral Thinking 711"), a movement directed against state and federal COVID-19 restrictions, due to its extremist views. According to the Baden-Wuerttemberg OPC's 2021 report released in July, Querdenken 711 forms the core of a group of approximately 350 persons in the state that aims to delegitimize the country's government. The state's antisemitism commissioner repeatedly warned of Querdenken 711's antisemitic rhetoric and views. The Baden-Wuerttemberg OPC also monitored the NPD and *Der Dritte Weg* ("The Third Way"), an extremist party actively opposed to public COVID-19 measures.

A Bavarian law that took effect in July 2021 gave the state's police the power to screen visitors at major events using "reliability tests" conducted with visitors' personal data obtained from "public and nonpublic entities." In May the Bavarian Constitutional Court rejected a legal challenge to the law filed by the opposition Social Democratic Party (SPD), Greens, and Free Democratic Party.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press**

## and Other Media

The constitution provides for freedom of expression, including for members of the press and other media. An independent media, an effective judiciary, and a functioning democratic political system generally combined to promote freedom of expression; however, the government-imposed limits on groups it deemed extremist. The government arrested, tried, convicted, and imprisoned several individuals for speech that incited racial hatred, endorsed Nazism, or denied the Holocaust (see also section 6, Antisemitism).

**Freedom of Expression:** The 2021 Act on Combating Right-Wing Extremism and Hate Crimes requires social networks not only to assess and potentially restrict illegal content but also to report online hate crimes, including antisemitic hate speech, to the Federal Criminal Police. By law authorities treat online threats the same as in-person threats, and threats of rape and vandalism – whether online or in person – the same as threats of murder.

Federal law provides for authorities to restrict civil servants from having adornments on their person such as tattoos, clothing, jewelry, hair, or beard styles if deemed necessary to provide for the functionality of the public administration or fulfill the obligation for respectful and trustworthy conduct. The law specifies that religious adornments may only be restricted if they are “objectively suited to adversely affect trust in a civil servant’s neutral performance of their official duties.”

On March 23, the Rhineland-Palatinate Administrative Court in Koblenz ruled a public high school principal who retired in 2006 would lose her pension for writing books describing the country’s government as an illegitimate “pseudo state.” The court stated the former principal had violated her legal duty, as a member of the country’s civil service, to support the state and constitution, and that violations of this legal requirement had implications for her pension even after retirement.

Some states did not permit full-face coverings in public schools.

As of December the Federal Constitutional Court had not yet ruled on an appeal by the state of Berlin of a regional labor court’s 2018 judgment, upheld in 2020 by the Federal Labor Court, that a general ban on teachers wearing religious symbols in schools was discriminatory.

**Violence and Harassment:** On August 20, Mayor Thomas Weigelt of Bad Lobenstein, Thuringia was filmed attacking local journalist Peter Hagen at a street festival, injuring Hagen and damaging his camera equipment. Hagen reportedly was investigating whether Weigelt had invited a member of an antigovernment group to an official reception. The governor of Thuringia, Bodo Ramelow, condemned Weigelt for the attack the following day. On August 31, the administration of Saale-Orla County suspended Weigelt for six incidents of dereliction of duty, including the attack on the journalist.

In May the Munich District Court fined photojournalist Michael Trammer of the newspaper *Die Tageszeitung* for criminal trespass while covering a September 2021 demonstration by environmentalists against an auto show. Trammer was arrested along with demonstrators when police stormed a building. Trammer claimed he clearly identified himself as a member of the press. He was later released but ordered not to enter the auto show's facilities. Trammer filed an appeal, but as of September his case had yet to be scheduled.

**Nongovernmental Impact:** As of September police were still investigating the July 2021 assault by four unidentified individuals on Turkish journalist Erk Acacer, a columnist for the Turkish daily *BirGun*, outside his residence in Berlin. Acacer told *Deutsche Welle* television he believed the attack was connected to a Turkish businessman, whom Acacer alleged was involved in commercial sexual exploitation, drug trafficking, and corrupt practices.

As of September police were still investigating the April 2021 harassment of a camera team by five persons who disrupted a live broadcast on COVID-19 immunization policies in the government district of Berlin.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, with one exception, and there were no credible reports the government monitored private online communications without appropriate legal authority. The exception is that the law permits the government to take down websites that belong to banned organizations or include speech that incites racial hatred, endorses Nazism, or denies the Holocaust. Authorities worked directly with internet service providers and online media companies to monitor and remove such content. Authorities monitored websites, social media accounts, messenger services, and streaming platforms associated with right-wing

extremists.

## **b. Freedoms of Peaceful Assembly and Association**

While the constitution provides for the freedoms of peaceful assembly and association, the government limited these freedoms in some instances.

### **Freedom of Peaceful Assembly**

The country's constitution provides for freedom of assembly, unless participants are armed, but permits authorities to limit open-air assemblies. The government generally respected this right. By law groups seeking to hold open-air public rallies and marches must notify authorities 48 hours before announcing them publicly. State and local officials may ban or disperse open-air rallies or marches when public safety concerns arise or when the applicant is from a prohibited organization, mainly right-wing extremist groups. Authorities allowed nonprohibited right-wing extremist or neo-Nazi groups to hold public rallies or marches when they did so in accordance with the law.

To limit the COVID-19 outbreak, state governments required demonstrators to observe social distancing rules to reduce the spread of COVID-19. Police in Berlin and other cities broke up several demonstrations when they deemed protesters violated these rules.

It is illegal to block officially registered demonstrations. Many anti-Nazi activists refused to accept such restrictions and attempted to block neo-Nazi demonstrations or to hold counterdemonstrations, sometimes resulting in clashes between police and demonstrators.

Police detained known or suspected activists when they believed such individuals intended to participate in illegal or unauthorized demonstrations. The length of detention varied from state to state.

As of September investigations continued into protester allegations of excessive use of force by police during demonstrations in Berlin in August 2021.

### **Freedom of Association**

The country's constitution provides for freedom of association, but the government limited it in some instances. The law permits authorities to prohibit organizations whose activities the Federal Constitutional Court or federal or

state governments determine to be opposed to the constitutional democratic order or otherwise illegal. While only the Federal Constitutional Court may prohibit political parties on these grounds, both federal and state governments may prohibit or restrict other organizations, including groups authorities classify as extremist or criminal in nature. Organizations have the right to appeal such prohibitions or restrictions.

The federal and state OPCs monitored several hundred organizations. Monitoring consisted of collecting information from public sources, written materials, and firsthand accounts, but it also included intrusive methods, such as the use of undercover agents who were subject to legal oversight. The federal and state OPCs published lists of monitored organizations, including left- and right-wing political parties. The OPC at the federal as well as the state level also monitored the Islamic Center Hamburg, which the Hamburg OPC stated was a major Iranian regime asset in Europe. Although the law stipulates surveillance must not interfere with an organization's legitimate activities, representatives of some monitored groups, such as Scientologists, complained the publication of the organizations' names contributed to prejudice against them.

The FOPC monitored approximately 21,000 so-called *Reichsbuerger* (citizens of the empire) and *Selbstverwalter* (sovereign citizens). These individuals denied the existence of the Federal Republic of Germany and rejected government authority. The FOPC considered the groups posed a potential threat due to their affinity for weapons and their contempt for national authorities. From 2016 through the end of 2021, 1,050 members of these groups had their firearms licenses revoked, while 500 members were still known holders of firearms licenses. In 2021, the latest year for which data were available, authorities suspected members of Reichsbuerger and Selbstverwalter groups of committing 1,011 politically motivated crimes, an increase of 69 percent from 2020, according to the Federal Ministry of Interior.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

#### **d. Freedom of Movement and the Right to Leave the Country**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

**In-country Movement:** Authorities issued three types of travel documents to stateless individuals for internal movement and within the EU: Those with recognized refugee and asylum status received a “travel document for refugees.” Foreigners from non-EU countries received a “travel document for foreigners” if they did not have a passport or identity document and could not obtain a passport from their country of origin. Other stateless individuals received a “travel document for the stateless.”

A federal law requires refugees with recognized asylum status who received social benefits to live within the state that handled their asylum request for a period of three years, and several states enforced the residence rule. States themselves may add other residence restrictions, such as assigning a refugee to a specific city. Local authorities who supported the rule stated it facilitated integration and enabled authorities to plan for increased infrastructure needs, such as schools.

#### **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the government has an established system for providing protection to refugees.

The NGO Pro Asyl continued to criticize the government’s “airport procedure” for asylum seekers who arrive at the country’s airports. Authorities stated the airport procedure was used only in less complex asylum cases and that more complex cases were referred for processing through regular Federal Office for Migration and Refugees (BAMF) channels. Authorities maintained that only persons coming from countries the government identified as “safe” (see below) and those without valid identification documents could be considered via the

“direct procedure.” The direct procedure enabled BAMF to decide on asylum applications within a two-day period, during which asylum applicants were detained at the airport. If authorities denied the application, the applicant had the right to appeal. Appeals were processed within two weeks, during which the applicant remained in detention at the airport. If the appeal was denied, authorities deported the applicant. The NGO Fluechtlingsrat Berlin was critical of a similar “fast track” or “direct” procedure applied to some asylum seekers in Berlin. The organization claimed asylum applicants were not provided with sufficient time and access to legal counsel.

**Refoulement:** According to humanitarian NGOs and other credible sources, authorities deported at least four Pakistani Ahmadiyya Muslim community asylum seekers to Pakistan after denying their claims they faced prosecution and imprisonment in Pakistan. A temporary ban on deportations to Afghanistan has been in effect since August 2021 due to the security situation there. In November the states also agreed a temporary ban on deportations to Iran.

**Abuse of Migrants and Refugees:** Assaults on refugees, asylum seekers, and migrants continued, as did attacks on government-provided asylum homes.

On August 26, media reported unidentified persons threw incendiary devices at a refugee shelter in the Lausen-Gruenau neighborhood of Leipzig. Police suspected extremists committed the attacks.

There were multiple reports of attacks on persons fleeing Ukraine, including several attempted rapes. Police in Berlin and other large cities warned refugees not to accept suspicious housing offers. On March 18, police in the city of Herne, NRW arrested a man, age 43, for raping a Ukrainian woman, age 25, to whom he had offered accommodation.

In August the Federal Prosecutor’s Office in Karlsruhe charged a man with murder, 20 counts of attempted murder, and arson for a setting fire in 1991 to an asylum shelter in Saarlouis. Ghanaian asylum seeker Samuel Kofi Yeboah died, and two other persons were seriously injured in the fire. According to prosecutors, the arsonist was a well-known neo-Nazi who was motivated by racism. A trial date had yet to be set at year’s end.

As of September police had made no arrests in the July 2021 assaults on two asylum seekers from Kenya in Prenzlau, Brandenburg.

In November 2021 prosecutors dropped charges against a paramedic accused of punching a restrained Syrian refugee in Kassel in 2020 due to strong doubts regarding video evidence. In addition, the state medical examiner stated the refugee's injuries could have not been caused by the incident shown in the video and the refugee stated he did not recall the alleged assault.

**Durable Solutions:** The government accepted for resettlement and facilitated the local integration (including naturalization) of refugees who fled their countries of origin, particularly for refugees belonging to vulnerable groups. Such groups included women with children, refugees with disabilities, survivors of trafficking in persons, and survivors of torture or rape. Authorities granted residence permits to long-term migrants, asylum seekers, refugees, and migrants who could not return to their countries of origin.

The government assisted asylum seekers, refugees, and migrants with the safe and voluntary return to their countries. In 2021 authorities provided financial assistance of 321 euros to 500 euros (\$343 to \$535) to 6,800 individuals to facilitate voluntary returns to their country of origin. Beneficiaries were either rejected asylum seekers or foreigners without valid identification. The largest group of applicants came from Russia.

**Temporary Protection:** The government also provided temporary protection to individuals who may not qualify as refugees and provided it to approximately 56,000 persons as of September. The government provides subsidiary and humanitarian temporary protection for individuals who do not qualify as refugees. Subsidiary status is usually granted to persons who do not qualify for refugee or asylum status but might face severe danger in their countries of origin due to war or conflict. Humanitarian status is granted if a person does not qualify for any form of protected status, but there are other humanitarian reasons the person may not be able to return to his or her country of origin. For example, unavailable medical treatment in the country of origin for an existing health condition. Both forms of temporary protection are granted for one year and may be extended. After five years a person in subsidiary or humanitarian protection may apply for an unlimited residency status if he or she earns enough money not to require public assistance and is proficient in German.

## **f. Status and Treatment of Internally Displaced Persons**

Not applicable.



## **g. Stateless Persons**

UNHCR reported 26,675 stateless persons in the country at the end of 2020, the latest year for which data were available. Some of these persons lost their previous citizenship when the Soviet Union collapsed or when the dissolution of Yugoslavia occurred. Others were Palestinians from Lebanon and Syria.

Laws and policies provide stateless persons the opportunity to gain citizenship on a nondiscriminatory basis. Stateless persons may apply for citizenship after six years of residence. Producing sufficient evidence to establish statelessness was often difficult, however, because the burden of proof was on the applicant. Authorities generally protected stateless persons from deportation to their country of origin or usual residence if they faced a threat of political persecution there.

## **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

**Recent Elections:** The Organization for Security and Cooperation in Europe and 45 parliamentarians from 25 countries observed the country's September 2021 federal parliamentary elections and considered them free, fair, and generally well organized.

**Political Parties and Political Participation:** Political parties generally operated without restriction or outside interference unless authorities deemed them a threat to the federal constitution. When federal authorities perceive such a threat, they may petition the Federal Constitutional Court to ban the party.

By law each political party receives federal public funding commensurate with the party's election results in state, national, and European elections. The constitution, however, denies public funding to extremist parties that seek to undermine the constitution. As of August the Federal Constitutional Court had not yet ruled on a 2019 collective claim by the Bundesrat, Bundestag, and federal government to exclude the right-wing extremist NPD from receiving state party financing, arguing the NPD sought to undermine the democratic

order in the country.

Political violence continued during the year. For example, in July there was an explosion at the Oberhausen NRW office of the Left party. Police found an unexploded device and believed the party had been specifically targeted. As of September police had yet to conclude their investigation.

On February 16, the trial began in Frankfurt of Alexander M., charged with 85 counts of defamation, incitement, and coercion for sending 116 threatening letters to prominent parliamentarians, women, and members of minority groups active in campaigns against extremism between 2018 and 2021. According to prosecutors, Alexander M. had a criminal record that included conviction of “right-wing motivated offenses.” It remained unclear how he obtained from police and government records confidential personal information he used in the letters.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women and members of minority groups in the political process, and they did participate. Transgender persons complained the time-consuming and costly nature of the country’s laws on gender changes limited their ability to participate in the political system (see section 6, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity). They also pointed out this requirement limited the ability of transgender persons to be elected to public office, because only legal names may be used in official election records and on ballots. Persons with disabilities also faced some restrictions, although these were being reduced (see section 6, Persons with Disabilities). Within the Federal Cabinet, eight of 15 ministers were women, including the ministers of foreign affairs, defense, and interior. In the parliament approximately 35 percent of the members were women.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year.

**Corruption:** On July 5, the Federal Court of Justice ruled Bundestag members Georg Nuesslein of the Christian Social Union and Nikolaus Loebel of the

Christian Democratic Union Bundestag could keep money received in 2020 from personal protective equipment suppliers. According to the court, the country's law only forbids members of the Bundestag from casting a certain vote in the plenary, in committees, or in caucus votes in exchange for payments, but the law does prohibit using influence in such a circumstance. Spiegel magazine reported Nuesslein and Loebel had received 660,000 euros (\$706,000) and 250,000 euros (\$268,000) for such activities.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

**Government Human Rights Bodies:** Several government bodies worked independently and effectively to protect human rights. The Bundestag has a Committee for Human Rights and Humanitarian Aid and a Committee for Petitions. The Petitions Committee fields complaints from the public, including human rights concerns. The German Institute for Human Rights has responsibility for monitoring the country's implementation of its international human rights commitments, including treaties and conventions. The Federal Anti-Discrimination Agency (FADA) is a semi-independent body that studies discrimination and assists victims of discrimination. The Office of the Federal Commissioner for Persons with Disabilities has specific responsibility for protecting the rights of persons with disabilities. The Federal Justice Ministry's commissioner for human rights oversees implementation of court rulings related to human rights protections.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes rape of a person, including spousal rape, regardless of gender, and provides penalties for conviction of up to 15 years in prison. Without a court order, officials may

temporarily deny access to their household to those accused of abuse, or they may impose a restraining order. In severe cases of rape and domestic violence, authorities may prosecute individuals for assault or rape and require them to pay damages. Penalties depend on the nature of the case. The government enforced the laws effectively.

The federal government, the states, and NGOs supported numerous projects to prevent and respond to cases of gender-based violence, including providing survivors with greater access to medical care and legal assistance.

Approximately 350 women's shelters operated throughout the country.

Social service NGOs and shelter operators complained access to shelters was uneven or not available in many areas, with a shortfall in accommodation for approximately 15,000 women nationwide. Media reported a lack of shelter availability in many regions of the country. The NGO Central Information Agency of Autonomous Women's Shelters stated refugee women were at particular risk of domestic violence because they were required to maintain residence in a single district for three years, had few financial resources, and often resided in districts without women's shelters.

**Female Genital Mutilation/Cutting (FGM/C):** There were no reports FGM/C was performed in the country. FGM/C of women and girls is a criminal offense punishable if convicted by one to 15 years in prison, even if performed abroad. Authorities may revoke the passports of individuals suspected of traveling abroad to subject a girl or woman to FGM/C but have not taken this step since the law took effect in 2017. During the year there were no reports FGM/C was performed in the country. A working group led by the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth collaborated with other federal government bodies and all 16 states to combat FGM/C.

The ministry continued to issue "protection letters" for girls at risk of FGM/C, warning of the high criminal penalties for FGM/C in the country. The letter was intended to be carried when travelling abroad and shown to relatives or others who tried to subject girls to FGM/C.

**Other Forms of Gender-based Violence:** Criminal law considers so-called honor killings as murder and the government enforced the law effectively. Although authorities estimated the number of such killings fluctuated between approximately three and 12 during any given year, some observers questioned

how many of these were so-called honor killings, which media tended to attribute to immigrant communities, and how many were other manifestations of domestic violence.

In March the trial began in Berlin of two men of Afghan descent for the July 2021 killing of their sister. The two allegedly killed their sister because she had divorced her husband and was involved in a relationship with another man. The trial continued as of December.

In April an Afghan man in Berlin was charged with murder in the death of his former wife. His trial began in November. Media reported he did not accept the divorce, which he considered an act of infidelity. The woman's family stated she had filed for a restraining order and repeatedly sought police help, but police had not taken her seriously because she was an immigrant. A police spokesman stated authorities would review police handling of the case but had not reported on the matter as of November.

**Sexual Harassment:** The law prohibits sexual harassment. Penalties for conviction include monetary fines and prison sentences of up to five years. Various disciplinary measures against harassment in the workplace are available, including dismissal of the perpetrator. The law requires employers to protect all employees from sexual harassment. The law considers an employer's failure to take measures to protect employees from sexual harassment to be a breach of contract, and an affected employee has the right to paid leave until the employer rectifies the problem. Unions, churches, government agencies, and NGOs operated a variety of support programs for women who experienced sexual harassment and sponsored seminars and training to prevent it.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

While abortion is technically illegal in Germany, existing laws protect patients, physicians, and service providers from prosecution through the twelfth week under certain conditions. The law requires parental permission for patients younger than age 18 to obtain an abortion, but physicians may exempt patients age 14 or older from this requirement.

On July 8, the government eliminated a Nazi-era law that had generally

restricted doctors and service providers from providing information about abortion and related services available.

Individuals have access to safe, effective, and affordable methods of family planning and contraception of their choice, including emergency contraception, throughout the country. Prenatal and obstetrical care is comprehensive, widely available and covered by all insurance providers. Public information regarding contraception, reproductive health, and prenatal care is readily available free of charge from health insurance providers, NGOs, and health authorities.

Public health insurance covers the costs of emergency contraception and abortion in cases of rape or if medically necessary. Emergency health care in the event of abortion complications is available and unrestricted. Emergency contraception is widely available and does not require a prescription.

The law requires public health insurance to pay for immediate care for all survivors of sexual violence, including emergency contraception, although not all states have fully implemented the law.

**Discrimination:** Men and women enjoy the same legal status and rights under the constitution and family, labor, religious, personal status, property, nationality, and inheritance laws. The government generally enforced the law effectively, although women did not always receive the same pay as men for equivalent work (see section 7.d).

## **Systemic Racial or Ethnic Violence and Discrimination**

The country's constitution states no one shall be "favored or disfavored because of sex, parentage, race, language, homeland and origin, faith or religious or political opinions." Federal laws prohibit discrimination based on race or ethnicity by public authorities as well as private actors such as employers, landlords and businesses; however, the government did not always effectively enforce these laws.

Public incitement of hatred against an ethnic, racial, religious, or other minority is a crime, and authorities vigorously prosecuted violations of the law. Conviction of crimes motivated by such hatred also incur harsher sentences, and judges regularly imposed these sentences.

The federal and state governments employed a wide range of measures to

eliminate ethnic and racial basis. For example, the federal government operated FADA, which takes complaints and reports of discrimination and provides advice and support to victims. Some states also had similar offices. Observers noted FADA was underfunded and that both state and federal offices were not sufficiently independent. Members of minority groups were not always aware of these resources.

The federal and state governments also provided grants to civil society organizations working to combat racism and ethnic bias. For example, during the year the federal government program *Demokratie Leben* (Live Democracy) dispensed 165 million euros (\$177 million) in grants to organizations promoting diversity and combating extremism.

Federal and state OPCs also monitored groups with racist or xenophobic ideologies. The annual FOPC report for 2021, released in June, recorded the reporting and investigation of 20,201 politically motivated crimes committed by individuals with right-wing extremist backgrounds, including 945 violent crimes, of which 686 were categorized as xenophobic. The 2021 FADA report listed 2,080 complaints of racism, a decline of 21 complaints compared with 2020, and 1,775 based on disability stemming from chronic diseases. The agency reported 5,617 requests for consultations from possible victims of discrimination, compared with 6,383 in 2020.

Persons of foreign origin sometimes faced difficulties finding housing. FADA reported persons not of ethnic German origin, particularly of Roma, Turkish, and African origin, including those with foreign sounding names, were often subjected to discrimination in the housing market. Foreign workers sometimes faced wage discrimination (see section 7.d.).

Harassment of members of racial minorities, such as Roma and Sinti, remained a problem throughout the country. In March the Federal Government appointed the country's first national Commissioner to Combat Anti-Roma Prejudice and for Roma Life in Germany. The commission coordinates government measures and offers protection in the fight against anti-Roma prejudice and discrimination.

In July the federal government named the country's first independent Federal Commissioner for Antidiscrimination. The commissioner is the head of FADA and may make policy proposals to the federal government, as well as submit

recommendations and opinions on pending legislation. The commissioner may also request responses from authorities to individual discrimination complaints.

On May 23, the state government of Hesse renewed until 2032 its agreement with the Hesse chapter of the Association of German Sinti and Roma, under which the state provides 200,000 euros (\$214,000) annually to improve the participation of Sinti and Roma in society and combat anti-Roma prejudice.

## **Children**

**Birth Registration:** In most cases individuals derive citizenship from their parents. The law also grants citizenship at birth to children born in the country if one parent has been a resident for at least eight years or has had a permanent residence permit for at least three years. Parents or guardians are responsible for registering newborn children. Once government officials received birth registration applications, they generally processed them expeditiously. Parents who fail to register their child's birth may be subject to a monetary fine. Birth certificates are required to access some public services, such as education, health care, and day care.

**Child Abuse:** There are laws against child abuse. The law punishes violence, cruelty, and malicious neglect of children. Incidents of child abuse were reported. The Federal Ministry for Family, Seniors, Women, and Youth sponsored programs throughout the year on the prevention of child abuse. The ministry continued to create networks among parents, youth services, schools, pediatricians, and courts, and to support existing programs at the state and local level. Other programs provided therapy and support for young survivors of sexual abuse.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage is 18 years.

The law nullifies existing marriages conducted in other countries in which at least one spouse was younger than age 16 at the time of the wedding, even if they were of legal age in the country where the marriage was performed. Individuals ages 16 or 17 may petition a judge on a case-by-case basis to recognize their foreign marriage if they face a specific hardship from not having their marriage legally recognized. Complete central statistics were unavailable on such cases. Child and forced marriage primarily affected girls of foreign



nationality.

**Sexual Exploitation of Children:** The law prohibits commercial sexual exploitation, sale, offering, or using children for commercial sexual exploitation, including child sex trafficking, as well as practices related to child pornography. Authorities enforced the law. The minimum age for consensual sex is 14 years, but sex is not considered consensual if the person is younger than age 16 and the older partner is age 18 or older and “exploiting a coercive situation.” It is illegal for adults to offer compensation for sex to a person younger than age 18. It is also illegal for a person who is age 21 or older to have sex with someone between ages 14 and 16 if the older person “exploits the victim’s lack of capacity for sexual self-determination.”

The law allows undercover investigators to use artificially created videos of child sexual abuse to gain access to internet forums. The government’s Independent Commissioner for Child Sex Abuse Issues operates an online help portal and an anonymous telephone helpline free of charge.

In January the NRW police task force that began investigating in 2019 a child abuse network in Bergisch-Gladbach concluded its work. During the investigation it identified 439 suspects and freed 65 children, one of whom was three months old. The Cologne public prosecutor's office prosecuted 13 cases resulting in convictions and sentences of more than 80 years imprisonment, and investigators referred hundreds of cases for prosecution in other jurisdictions.

An NRW parliamentary committee investigating possible failures and misconduct by the NRW state government in multiple cases of sexual abuse of children at a campground in Luegde was reconstituted after state elections in May. In February the committee issued a 4,000-page interim report that criticized data protection measures that made it difficult to save and store information concerning endangered children and perpetrators in government computer systems, as well as inadequate training of youth welfare staff in recognizing signs of sexual abuse in children.

In June police identified a nationwide abuse ring during an investigation in Wermelskirchen, NRW. The targeted suspect, who offered his services as a babysitter, kept lists of contacts throughout the country, with whom he exchanged images and videos of abuse. During the year prosecutors in multiple states were investigating at least 85 suspects and had identified at least 33

survivors tied to the case.

## **Antisemitism**

Observers estimate the country's Jewish population to be approximately 200,000, of whom an estimated 90 percent were from the former Soviet Union. There were 91,839 registered, dues-paying members of Jewish congregations in 2021.

Manifestations of antisemitism, including physical and verbal attacks, occurred at public demonstrations, sporting and social events, in schools, in the street, in certain media outlets, and online. Apart from antisemitic speech, desecration of cemeteries and Holocaust monuments represented the most widespread antisemitic acts. The federal government attributed most antisemitic acts to neo-Nazi or other right-wing extremist groups or persons, and such acts increased during the year. In November the Federal Government released the country's first national strategy to combat antisemitism and support Jewish life. Jewish organizations also noted antisemitic attitudes and behavior of some Muslim youth and left-wing extremists. NGOs agreed right-wing extremists were responsible for most antisemitic acts but cautioned federal statistics misattributed many acts committed by Muslims as right-wing acts.

According to the Bavarian government, most antisemitic crimes in the state are committed by right-wing extremists, with radical Muslim elements also responsible for some. Political and legal experts stated hate speech crimes far outnumbered violent crimes.

According to media reports, on April 22 and 23, participants in two separate demonstrations of approximately 700 individuals in the Berlin districts of Neukoelln and Kreuzberg chanted antisemitic slogans and attacked police and journalists, whom they suggested were Jewish. Police were investigating multiple participants for assault and hate speech laws. Federal Minister of the Interior Nancy Faeser, Berlin Commissioner for Jewish Life and the Fight Against Antisemitism Samuel Salzborn, and several national politicians condemned the antisemitic nature of the demonstrations.

Several Jewish travelers accused Lufthansa of discrimination for preventing 127 passengers from boarding a May 4 flight from Frankfurt to Budapest. Lufthansa staff did not allow passengers with Jewish names or wearing

traditional Jewish clothing to board the flight, according to press accounts and a video of the incident. Initially, Lufthansa justified its action because some of the individuals had failed to comply with mask requirements during a previous flight from New York. One Lufthansa staff member was seen on a video widely shared on social media stating it was, “Jewish people who were the mess, who made the problems.” On May 10, Lufthansa apologized for the inconvenience and offense caused in a brief statement that many observers, including Hesse Antisemitism Commissioner Uwe Becker, stated fell short of taking full responsibility for the discrimination against Jewish passengers. In September, as a direct result of the incident, Lufthansa formally embraced the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism.

Representatives of the Jewish community and Hesse’s Commissioner for Jewish Life and the Fight Against Antisemitism Uwe Becker criticized the international art exhibition documenta fifteen for exhibiting antisemitic works. Accusations initially focused on imagery in a prominent artwork by Indonesian collective Taring Padi. On June 22, exhibit management removed the artwork and on July 16, exhibit director general Sabine Schormann resigned. Visitors raised additional accusations of antisemitic imagery in other artworks. The exhibition’s curators, the Indonesian collective Ruangrupa, denied the accusations. German and international Jewish organizations criticized organizers, curators, and politicians for failing to take preventative action against antisemitism at the exhibit before it opened.

In August NRW Commissioner for Jewish Life and the Fight Against Antisemitism Sabine Leutheusser-Schnarrenberger demanded a review of antisemitic stereotypes held by some police, stating antisemitic statements and acts "are more often not recognized or given appropriate weight when reports are recorded or investigations are carried out."

Berlin police continued to investigate multiple persons for various charges stemming from violence and antisemitic hate speech during May 2021 demonstrations.

In July the Cologne public prosecutor's office brought charges against four persons for alleged involvement in an August 2021 attack in a Cologne public park on a man age 18 wearing a kippa. He was insulted and severely beaten, suffering a broken cheekbone and a broken nose in the incident. Police

identified two of the attackers in videos of the incident and arrested them.

On August 9, a Hamburg juvenile court convicted a boy, age 17, and sentenced him to a 16-month suspended prison sentence and community service for assaulting a Jewish man, age 60, at a September 2021 pro-Israel vigil in central Hamburg, leaving the victim with serious injuries. The perpetrator shouted, “free Palestine” and “f- Israel” just before the assault, which was strongly condemned by Hamburg officials. The perpetrator’s brother, who was also involved in the attack, was also sentenced to community service.

The Protestant Church of Germany Berlin-Brandenburg promised to reform its process for allocating gravesites following an internal review of an October 2021 incident in which a neo-Nazi and Holocaust denier from Oberhausen, NRW, was buried in the former grave of Jewish musicologist Max Friedlaender (1852-1934) in a cemetery in Stahnsdorf, near Berlin. Prosecutors decided not to file charges in the case.

Many prominent government officials repeatedly condemned antisemitic acts throughout the year, including Federal Chancellor Olaf Scholz, Federal President Frank-Walter Steinmeier, Federal Interior Minister Nancy Faeser, and Foreign Minister Annalena Baerbock. In 2018 the federal government created the position of federal commissioner for Jewish life in Germany and the Fight Against Antisemitism. Since then, 15 of 16 states have also established state-level commissioners to combat antisemitism. In the one state that has not instituted the position of commissioner, the Bremen Jewish community advised the state government it was not necessary to introduce such a position, and that it deemed alternative tools to combat antisemitism to be more efficient. The positions’ responsibilities vary by state but involve meeting with the Jewish community, collecting statistics on antisemitic acts, and designing education and prevention programs. A federal- and state-level Commission to Combat Antisemitism and Protect Jewish Life that includes all commissioners meets twice a year to coordinate strategies.

## **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on**

## **Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** No laws criminalize consensual same-sex sexual conduct between adults.

**Violence against LGBTQI+ Persons:** Lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) activists and community members complained of violent attacks and a growing atmosphere of hostility towards LGBTQI+ persons across the country, often directed at transgender individuals. Official crime statistics released in May showed a 55 percent rise in recorded hate crimes against LGBTQI+ persons nationwide in 2021, with 1,051 such crimes recorded by authorities. Of these, 190 were violent (up 44 percent over 2020) and 177 involved battery (up 42 percent over 2020). Hate crimes targeting individuals based on gender and sexual orientation increased by 67 percent in 2021 from 2020. Community activists suspected the actual figures were much higher and counted three anti-LGBTQI+ killings in the country in 2021. The Berlin NGO Maneo stated privacy protection laws prevented police from releasing information regarding specific incidents in approximately 60 percent of cases, making it difficult for the NGO to assess the magnitude of the problem.

On June 4, a group of what witnesses stated were approximately 30 individuals assaulted participants following the Karlsruhe LGBTQI+ pride march in a city park, injuring six of them, including one who required hospitalization, and burning a pride flag. Observers accused police of being slow to respond to the incident, which a police spokesperson denied. Police arrested six suspects at the scene.

On August 27, an attacker killed Malte C., a transgender man, age 25, at an LGBTQI+ pride march in Bielefeld. According to police, the attacker and an accomplice had first hurled anti-LGBTQI+ slurs at women participating in the march; when Malte C. asked them to stop, one of them turned on him, beating him in the face until he collapsed and struck his head on the pavement; Malte died a few days later. On September 2, police arrested a man, age 20, suspected of the assault, and on November 16, prosecutors charged him with manslaughter and verbal assault. No trial date had been set and authorities had yet to arrest an accomplice at year's end. State Minister of Culture and Media Claudia Roth

and Bielefeld Mayor Pit Clausen condemned the attack.

On September 10, a transgender hairstylist was assaulted in her Berlin salon by an attacker initially claiming he wanted to apologize for past harassment, only to then insult her again. When she asked him to leave, he attempted to punch her and then threw stones at her, damaging the salon. Police arrested a suspect, age 16, but later released him. The investigation continued as of November.

No trial date had been set as of October in the case of three suspects arrested in June 2021 for assaulting and injuring three marchers in a Berlin LGBTQ+ pride march. Police later released the suspects, and they remain at large.

**Discrimination:** The law prohibits discrimination by state and nonstate actors based on sexual orientation, gender identity, or sex characteristics and recognized LGBTQ+ individuals, couples, and their families. Authorities enforced the law. The government offered telephone and online consultations to persons who wished to report discrimination.

**Availability of Legal Gender Recognition:** Legal gender recognition is available, but it does not comply with the recommended global standard of allowing individuals to self-identify their gender. LGBTQI+ activists criticized the requirement that transgender persons obtain two assessments by independent experts to receive legal gender recognition (including a legal name change) as expensive, time consuming, subjective, and intrusive.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** By law, offering, advertising, or arranging treatments to convert homosexual or transgender children by means of “conversion therapy” is a crime punishable if convicted by up to a year in prison. Persons convicted of coercing such “therapy” on persons of legal age are also subject to incarceration. There were no reports that children had been subjected to conversion therapy during the year.

On May 17, the Federal Center for Health Education established a telephone hotline and online service to provide free and anonymous consultations to young persons and others who suspected such practices.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** There were no restrictions on those speaking out on LGBTQI+ matters or on the ability of LGBTQI+ organizations to legally register or convene events such as

Pride festivities.

## **Persons with Disabilities**

Federal and state laws require authorities take measures to provide for persons with disabilities to have equal treatment and access to education, health care, public buildings and services, and transportation. The law requires access to information and communications, including public information in accessible formats. These requirements were not always met. For example, most physicians' offices located in older buildings were not accessible to persons with disabilities, and there were too few health-care facilities that met the specific health-care needs of persons with disabilities. Government information and communications were not always provided in accessible formats, especially at the local level.

The law prohibits discrimination against persons with disabilities. The law makes no specific mention of the rights of persons with sensory or intellectual disabilities, but their rights are considered included under the other legal protections. NGOs disagreed on whether the government effectively enforced these provisions.

Persons with disabilities also faced obstacles in obtaining employment (see section 7.d.) and housing. Although discrimination based on a disability was illegal, the unemployment rate among persons with disabilities of working age was much higher than in the general population. Not enough suitable employment opportunities were available for persons with disabilities, and despite requirements that private companies with over 20 employees employ persons with disabilities, many chose to pay a monetary fine instead of doing so. There was also a shortage of affordable, accessible, and barrier-free housing for persons with disabilities and older, and privately owned residential and commercial buildings were often exempt from accessibility regulations.

An estimated 1.3 million adults were living under conservatorships in the country, many of them with a disability, whose rights were restricted to various degrees under conservatorship laws. In March the government reformed conservatorship laws, effective 2023, to give persons under conservatorship more control over their own lives. NGOs such as the Institute for Human Rights stated that the reforms did not go far enough. For example, the law continues to permit involuntary medical treatment or sterilization in some cases.

State officials decide whether children with disabilities may attend mainstream or segregated schools. The law obliges all children to attend school, so those with disabilities do so at the same rate as children without disabilities.

Approximately 45 percent of children with disabilities attended public schools with their peers, while the remainder attended segregated schools, although inclusion levels varied among the country's 16 states. Somewhat more than one-half of the students with disabilities attending school with their peers successfully completed secondary education, compared with one in four of those attending segregated schools.

According to data released in June, persons with disabilities filed 1,775 discrimination complaints with FADA in 2021, 32 percent of the total it received.

## **Other Societal Violence or Discrimination**

Media reported women who wore a hijab faced employment discrimination, and that discrimination was made easier by the customary practice of requiring photos as part of job applications. A 2017 European Court of Justice ruling permits employers to prevent staff from wearing religious attire and symbols at work if this is necessary to enable the employer to project an image of neutrality to clients. There were reports of employers applying this rule. For example, in March a hospital in the Ruhr region acknowledged it did not permit staff to wear headscarves at work because headscarves infringe "religious neutrality of the staff in their interactions with patients."

The NGO German AIDS Foundation and the NGO German AIDS Service Organization reported that societal discrimination against persons with HIV and AIDS ranged from isolation and negative comments from acquaintances, family, and friends, to bullying at work.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution, federal legislation, and government regulations provide for the right of employees to form and join independent unions, bargain collectively, and conduct legal strikes. Wildcat strikes are not allowed. The law prohibits antiunion discrimination and offers legal remedies to claim damages, including



the reinstatement of unlawfully dismissed workers.

Some laws and regulations limit these labor rights. While civil servants are free to form or join unions, their wages and working conditions are determined by legislation, not by collective bargaining. All civil servants (including some teachers, postal workers, railroad employees, and police) and members of the armed forces are prohibited from striking.

Employers are generally free to decide whether to be a party to a collective bargaining agreement. Even if they decide not to be a party, companies must apply the provisions of a collective agreement if the Federal Ministry of Labor and Social Affairs declares a collective bargaining agreement generally binding for the whole sector. Employers not legally bound by sectoral collective bargaining agreements often used them to determine part or all their employees' employment conditions. Employers may contest a strike's proportionality or a trade union's right to take strike action in court. The law does not establish clear criteria on strikes, and courts often relied on case law and precedent.

The government enforced applicable laws effectively. Actions and measures by employers to limit or violate freedom of association and the right to collective bargaining are considered unlawful and lead to monetary fines. Penalties and remediation efforts were commensurate with those of equivalent laws denying civil rights. Penalties were regularly applied against violators.

Laws regulate cooperation between management and work councils (companies' elected employee representation), including the right of the workers to be involved in management decisions that could affect them. Work councils are independent from labor unions but often have close ties to the sector's labor movement. The penalty for employers convicted of interfering in work councils' elections and operations is up to one year in prison or a monetary fine. Labor organizers complained a significant number of employers interfered with the election of work council members or tried to deter employees from organizing work councils. This practice has been criticized by labor unions for a long time; they called for stronger legislation that shields employees seeking to exercise their legal rights.

## **b. Prohibition of Forced or Compulsory Labor**

The constitution and federal law prohibit all forms of forced or compulsory

labor. Penalties for conviction of forced labor range from six months to 10 years in prison and were generally commensurate with those of other serious crimes. The government effectively enforced the law when they found violations, but NGOs questioned the adequacy of resources to investigate and prosecute the crime. Some traffickers received light or suspended sentences that weakened deterrence and undercut efforts to hold traffickers accountable, but the language was generally consistent with the country's sentencing practices.

There were reports of forced labor involving adults, mainly in the construction and food service industries. There were also reported cases in domestic households and industrial plants. In 2020 police completed 34 labor-trafficking investigations, including four for forced begging and eight for forced criminality. They also identified 88 labor trafficking victims, 21 of whom were from Romania.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor and provides for a minimum age of employment, including limitations on working hours and occupational safety and health (OSH) restrictions for children. The law prohibits the employment of children younger than 15 with a few exceptions: Children ages 13 and 14 may perform work on a family-run farm for up to three hours per day or perform services such as delivering magazines and leaflets, babysitting, and dog walking for up to two hours per day, if authorized by their custodial parent. Children younger than 15 may not work during school hours, before 8 a.m., after 6 p.m., or on Saturdays, Sundays, or public holidays. The type of work must not pose any risk to the security, health, or development of the child and must not prevent the child from obtaining schooling and training. Children are not allowed to work with hazardous materials, carry or handle items weighing more than 22 pounds, perform work requiring an unsuitable posture, or engage in work that exposes them to the risk of an accident. Children between ages three and 14 may take part in cultural performances, but there are strict limits on the kind of activity, number of hours, and time of day.

The government effectively enforced the applicable laws, and penalties were

commensurate with those of other serious crimes. Penalties were regularly applied against violators. Isolated cases of child labor occurred in small, family-owned businesses, such as cafes, restaurants, family farms, and grocery stores. Inspections by the regional inspection agencies and the resources and remediation available to them were adequate to provide for broad compliance.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination in all areas of occupation and employment, from recruitment, self-employment, and promotion to career advancement. Although origin and citizenship are not explicitly listed as grounds of discrimination in the law, victims of such discrimination have other means to assert legal claims. The law obliges employers to protect employees from discrimination at work.

The government effectively enforced these laws and regulations during the year. Employees who believe they are victims of discrimination have a right to file an official complaint and to have the complaint heard. If an employer fails to protect the employee effectively, employees may remove themselves from places and situations of discrimination without losing employment or pay. In cases of violations of the law, victims of discrimination are entitled to injunctions, removal, and material or nonmaterial damages set by court decision. Penalties were commensurate with those of other civil rights abuses, and penalties were regularly applied against violators. The Federal Anti-Discrimination Agency (FADA) reported that, of the 6,383 inquiries concerning discrimination or other requests for assistance, it received in 2020 (the latest data available); at least 23 percent (approximately 1,468) concerned employment or the workplace.

FADA stated applicants of foreign descent with foreign names faced discrimination even when they had similar or better qualifications than others. In 2021 FADA received 2,080 complaints alleging discrimination in the workplace or when accessing services because of ethnic background. FADA reported racism experienced in connection with the pandemic particularly affected persons perceived as Asian, as well as Sinti and Roma.

The law provides for equal pay for equal work. In March the Federal Statistical Office found the gross hourly wages of women in 2021 were on average 18 percent lower than those of men. It attributed pay differences primarily to the

different sectors in which men and women were employed and to unequal requirements for leadership experience and other qualifications. Women were underrepresented in highly paid managerial positions and overrepresented in some lower-wage occupations. FADA reported women were also at a disadvantage regarding promotions, often due to career interruptions for child rearing.

The law imposes a gender quota of 30 percent for supervisory boards of certain publicly traded corporations. It also requires approximately 3,500 companies to set and publish self-determined targets to increase the share of women in leading positions (executive boards and management) and to report on their performance. Consequently, the share of women on the supervisory boards of those companies bound by the law increased from approximately 20 percent in 2015 to 35 percent in 2021, according to one study.

There were reports of employment discrimination against persons with disabilities. The unemployment rate among persons with disabilities decreased by 0.3 percent slightly to 11.5 percent in 2021, remaining considerably higher than that of the general population (on average 5.7 percent for 2021).

Employers with 20 or more employees must hire persons with significant disabilities to fill at least 5 percent of all positions; companies with 20 to 40 employees must fill one position with a person with disabilities, and companies with 40 to 60 employees must fill two positions. Each year companies file a mandatory form with the employment office verifying whether they meet the quota for employing persons with disabilities. Companies that fail to meet these quotas pay a monthly fine for each required position not filled by a person with disabilities. In 2020, the most recent year data were available, nearly 105,000 employers did not meet their quotas paid fines.

The law provides for equal treatment of foreign workers, although foreign workers faced some wage discrimination. For example, employers, particularly in the construction sector, sometimes paid lower wages to seasonal workers from Eastern Europe.

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The nationwide statutory minimum wage is below the internationally defined “at risk of poverty threshold” of two-thirds of the national median wage. The minimum wage does not apply to persons younger

than 18, long-term unemployed persons during their first six months in a job, or apprentices undergoing vocational training, regardless of age. Several sectors set their own higher minimum wages through collective bargaining.

Federal regulations set the standard workday at eight hours, with a maximum of 10 hours, and limit the average workweek to 48 hours. For the 54 percent of employees who are directly covered by collective bargaining agreements, the average agreed working week under existing agreements is 37.7 hours. The law requires a break after no more than six hours of work, stipulates regular breaks totaling at least 30 minutes, and sets a minimum of 24 days of paid annual leave in addition to official holidays. Provisions for overtime, holiday, and weekend pay varied, depending upon the applicable collective bargaining agreement. Such agreements or individual contracts prohibited excessive compulsory overtime and protected workers against arbitrary employer requests.

**Occupational Safety and Health:** Extensive laws and regulations govern occupational safety and health. A comprehensive system of worker insurance carriers enforced safety requirements in the workplace. The number of workplace accidents rose 7 percent among full-time employees in 2021 and workplace fatalities rose to 510 from 399 in 2020. The German Social Accident Insurance, the umbrella association of insurers against workplace accidents, pointed out that the accident rate remained well below prepandemic levels. Most accidents occurred in the construction, transportation, and postal logistics industries.

During the COVID-19 pandemic, various meat-processing facilities had very high rates of infection at a time when the country witnessed low overall infection rates that local authorities often attributed to plant working and housing conditions. A 2020 law passed in response to such COVID outbreaks limited the use of independent contractors and subcontractors in the meat processing industry, instituted electronically monitored working hours, and provided improved worker housing. In an April review of the law's impact, the German Trade Union Confederation (DGB) asserted that "in terms of OSH, payroll and working hours, the law has brought real progress" but noted that some loopholes remain.

**Wage, Hour, and OSH Enforcement:** The government effectively enforced the laws and monitored compliance with the statutory and sector-wide minimum wages and hours of work through the Customs Office's Financial Control Illicit

Work Unit (FKS), which conducted checks on nearly 48,064 companies in 2021, the latest year data were available. Focus areas included the meat industry, cleaning services, construction, and logistics and parcel services, where alleged wage and hour violations are historically more common due to the practice of employing primarily migrant workers through subcontracting chains. Employees may sue companies if employers fail to comply with the Minimum Wage Act, and courts may sentence employers who violate the provisions to pay a substantial monetary fine. The Federal Ministry of Labor and Social Affairs and its state-level counterparts monitored and enforced OSH standards through a network of government bodies, including the Federal Agency for Occupational Safety and Health. At the local level, professional and trade associations self-governing public corporations with delegates representing both employers and unions as well as works councils oversaw worker safety. The number of inspectors was sufficient to provide for compliance. Inspectors had the right to make unannounced inspections and initiate sanctions.

Penalties for wage, hour, and OSH violations were commensurate with those for other crimes and were regularly applied against violators.

**Informal Sector:** The country includes some data on the informal economy in GDP calculations but does not publish detailed official statistics on its size or composition. The informal economy accounts for approximately 10 percent of the country's GDP. According to the 2019 Act to Combat Unlawful Employment and Benefit Fraud, part of the Customs Office FKS mandate includes monitoring undeclared and illegal work. The FKS has approximately 8,100 personnel assigned to investigate employers and employees not fulfilling certain social security, tax, social benefit, or employment reporting obligations. In 2021 FKS inspections included meat-processing facilities, parcel-delivery services, cleaning services, nail salons, restaurants, and construction sites. An unspecified amount of undeclared work occurred through bogus self-employment. The law recognizes dependent self-employment and approximately 8.4 percent of the country's working population was self-employed as of 2020, the latest year figures were available.